

AMENDMENT TO THE CLAIMS

1. *(Currently Amended)* A safety marker device, comprising:
 - (a) a base having an opening for stacking with another safety marker device;
 - (b) a flexible means having a fast impulse response to direct and indirect perturbations, said flexible means positioned over said base, wherein said base supports said flexible means; and
 - (c) a cover to cover said flexible means, wherein said cover is made of a flexible material and allows said fast impulse response to said direct and indirect perturbations;
wherein said base being heavier than the combined weight of said flexible means and said cover,
wherein said flexible means maintains in an original position in absence of said direct and indirect perturbations, and flexes from said original position to a bent position in presence of said direct and indirect perturbations, wherein said bent position is characterized by one or more parts of said flexible means flexed from their original position up to about 180 degrees with respect to said base, and
wherein said safety marker device has a low center of gravity mainly due to said heavier base, whereby said low center of gravity facilitates in restoring said original position and whereby said heavier base facilitates said flexing.

2. ~~(Canceled) The device as set forth in claim 1, wherein one or more parts of said flexible means allow deflections from their original position due to said perturbation up to about 180 degrees.~~
3. *(Currently Amended)* The device as set forth in claim 1 2, wherein said deflections range from about 15 degrees to about 180 degrees.
4. *(Original)* The device as set forth in claim 1, wherein said base, said flexible means and said cover are modular components which are combined by means of a quick-connector or a ring.
5. *(Original)* The device as set forth in claim 1, wherein said cover is a meshed cover.
6. *(Original)* The device as set forth in claim 1, wherein said cover comprises reflective material.
7. *(Original)* The device as set forth in claim 6, wherein said reflective material comprises one or more reflective bands.
8. *(Original)* The device as set forth in claim 6, wherein said reflective material comprises two reflective bands, wherein the first reflective band is positioned at about 3" (inches) from the top of said cover and said first band is about 6"

(inches) in height, and wherein the second reflective band is positioned at about 2" (inches) from the bottom of said first reflective band and said second band is about 4" (inches) in height.

9. ~~(Canceled) The device as set forth in claim 6, wherein said reflective material is 3M 8710 reflective material.~~
10. (Original) The device as set forth in claim 1, wherein said flexible means has one or more rods.
11. (Original) The device as set forth in claim 1, wherein said base is substantially square.
12. (Original) The device as set forth in claim 1, further comprising a light source.
13. (Currently Amended) A safety cone, comprising:
 - (a) a base having an opening for stacking with another safety marker device;
 - (b) a cone-shaped spring with 2 to 10 loops space between said base and the top of said cone-shaped spring, having a fast impulse response to direct and indirect perturbations, said cone-shaped spring positioned over said base, wherein said base supports said cone-shaped spring; and

- (c) a cover to cover said cone-shaped spring, wherein said cover is made of a flexible material and allows said fast impulse response to said direct and indirect perturbations;

wherein said base being heavier than the combined weight of said cone-shaped spring and said cover,

wherein said cone-shaped spring maintains in an original position in absence of said direct and indirect perturbations, and flexes from said original position to a bent position in presence of said direct and indirect perturbations, wherein said bent position is characterized by one or more parts of said cone-shaped spring flexed from their original position up to about 180 degrees with respect to said base, and

wherein said safety marker device has a low center of gravity mainly due to said heavier base, whereby said low center of gravity facilitates in restoring said original position and whereby said heavier base facilitates said flexing.

14. ~~(Canceled) The safety cone as set forth in claim 13, wherein one or more parts of said coil allow deflections from their original position due to said perturbation up to about 180 degrees.~~

15. *(Currently Amended)* The safety cone as set forth in claim 13 14, wherein said deflections range from about 15 degrees to about 180 degrees.

16. (*Original*) The safety cone as set forth in claim 13, wherein the loops of said coil maintain spaced from each other during said perturbations, wherein said perturbations deflect one or more parts of said coil from their original position up to about 180 degrees.
17. (*Original*) The safety cone as set forth in claim 16, wherein said deflections range from about 15 degrees to about 180 degrees.
18. (*Canceled*) ~~The safety cone as set forth in claim 13, wherein said coil has 2 to 10 loops spaced between said base and the top of said marker device.~~
19. (*Original*) The safety cone as set forth in claim 13, wherein the diameter of one or more of the bottom loops of said coil has a larger diameter than said opening.
20. (*Original*) The safety cone as set forth in claim 13, wherein said base, said coil and said cover are modular components which are combined by means of a quick-connector or a ring.
21. (*Original*) The safety cone as set forth in claim 13, wherein said cover is a meshed cover.
22. (*Original*) The safety cone as set forth in claim 13, wherein said cover comprises reflective material.

23. *(Original)* The safety cone as set forth in claim 22, wherein said reflective material comprises one or more reflective bands.
24. *(Original)* The safety cone as set forth in claim 22, wherein said reflective material comprises two reflective bands, wherein the first reflective band is positioned at about 3" (inches) from the top of said cover and said first band is about 6" (inches) in height, and wherein the second reflective band is positioned at about 2" (inches) from the bottom of said first reflective band and said second band is about 4" (inches) in height.
25. *(Canceled)* ~~The safety cone as set forth in claim 22, wherein said reflective material is 3M 8710 reflective material.~~
26. *(Original)* The safety cone as set forth in claim 13, wherein said base is substantially square.
27. *(Original)* The safety cone as set forth in claim 13, further comprising a light source.
28. *(Currently Amended)* A safety marker device, comprising:
- (a) a base;

- (b) two or more flexible means each having a fast impulse response to direct and indirect perturbations, said two or more flexible means positioned over said base, wherein said base supports said two or more flexible means; and
- (c) a cover to cover said two or more flexible means and allows said fast impulse response to said direct and indirect perturbations-,
wherein said base being heavier than the combined weight of said two or more flexible means and said cover,
wherein one or more of said two or more flexible means maintains in an original position in absence of said direct and indirect perturbations, and flexes from said original position to a bent position in presence of said direct and indirect perturbations, wherein said bent position is characterized by one or more parts of said one or more of said two more flexible means flexed from their original position up to about 180 degrees with respect to said base, and
wherein said safety marker device has a low center of gravity mainly due to said heavier base, whereby said low center of gravity facilitates in restoring said original position and whereby said heavier base facilitates said flexing.

29. *(Canceled)* ~~The device as set forth in claim 28, wherein one or more parts of each of said two or more flexible means allow deflections from their original position due to said perturbation up to about 180 degrees.~~

30. *(Currently Amended)* The device as set forth in claim 28 ~~29~~, wherein said deflections range from about 15 degrees to about 180 degrees.

31. The device as set forth in claim 28, wherein one or more of said two or more flexible means is a coil and said coil is shaped as a cone.
32. ~~(Canceled) The device as set forth in claim 31, wherein one or more parts of said coil allow deflections from their original position due to said perturbation up to about 180 degrees.~~
33. ~~(Canceled) The device as set forth in claim 32, wherein said deflections range from about 15 degrees to about 180 degrees.~~
34. ~~(Canceled) The device as set forth in claim 31, wherein the loops of said coil maintain spaced from other during said perturbations, wherein said perturbations deflect one or more parts of said coil from their original position up to about 180 degrees.~~
35. ~~(Canceled) The device as set forth in claim 34, wherein said deflections range from about 15 degrees to about 180 degrees.~~
36. The device as set forth in claim 31, wherein each of said coils has 2 to 10 loops spaced between said base and the top of said marker device.

37. The device as set forth in claim 28, wherein one or more of said two or more flexible means is a rod.
38. The device as set forth in claim 28, wherein said cover is a meshed cover.
39. The device as set forth in claim 28, wherein said reflective material comprises one or more reflective bands.
40. The device as set forth in claim 39, wherein said reflective material comprises two reflective bands, wherein the first reflective band is positioned at about 3" (inches) from the top of said cover and said first band is about 6" (inches) in height, and wherein the second reflective band is positioned at about 2" (inches) from the bottom of said first reflective band and said second band is about 4" (inches) in height.
41. ~~(Canceled) The device as set forth in claim 39, wherein said reflective material is 3M 8710 reflective material.~~
42. The device as set forth in claim 28, wherein said base is substantially rectangular.
43. The device as set forth in claim 28, wherein said base comprises an opening to allow for stacking with another safety marker device.

44. The device as set forth in claim 28, further comprising one or more light sources.

45. The device as set forth in claim 28, wherein said marker device has a barricade-like shape or a fence-like shape.